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Attorneys for Defendant  
*ACSTAR Insurance Company*

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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CLEAN HARBORS, INC., and CLEAN :  
HARBORS ENVIRONMENTAL :  
SERVICES, INC., : Civil Action No.: 09-cv-5175-RBK-AMD  
Plaintiffs, :  
vs. :  
:  
ACSTAR INSURANCE COMPANY, :  
BOEING CAPITAL CORPORATION, :  
and McDONNELL DOUGLAS TRUCK :  
SERVICES, INC., :  
Defendants. :  
:

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TO: Dennis J. Krumholz, Esq.  
Riker, Danzig, Scherer, Hyland & Perretti, LLP  
One Speedwell Avenue  
Morristown, NJ 07962  
Attorneys for Plaintiffs  
*Clean Harbors, Inc. and Clean Harbors  
Environmental Services, Inc.*

Paul A. Taufer, Esq.  
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Attorneys for Defendants  
*Boeing Capital Corporation and  
McDonnell Douglas Truck Services, Inc.*

**COUNSEL:**

**PLEASE TAKE NOTICE** that on December 7, 2009, at 9:30 a.m., or as soon thereafter as counsel may be heard, defendant ACSTAR Insurance Company (“ACSTAR”), through its attorneys, Wolff and Samson PC, shall move before the Honorable Robert B. Kugler, at the courthouse, located at 4<sup>th</sup> and Cooper Streets, Camden, New Jersey, for an Order, pursuant to Rule 12(b)(6) and 28 U.S.C. § 1404(a), dismissing this action, or staying it pending the determination of the previously-filed litigation entitled *ACSTAR Insurance Company as Administrator and Reinsurer for United Coastal Insurance Company v. Clean Harbors, Inc., Clean Harbors Environmental Services, Inc., Boeing Capital Corporation, and McDonnell Douglas Truck Services, Inc.*, pending in the United States District Court for the District of Connecticut, docket number 09-cv-1261, or transferring this action to the United States District Court for the District of Connecticut, and awarding ACSTAR such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, in support of this motion, ACSTAR shall rely upon the accompanying Certification of Gary M. Case, the accompanying Certification of Adam P. Friedman, and the accompanying Memorandum of Law.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is provided herewith.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

**WOLFF & SAMSON PC**  
Attorneys for Defendant  
*ACSTAR Insurance Company*

By: ~ /s Adam P. Friedman ~  
Adam P. Friedman

Dated: November 9, 2009